

Applicant : Jutta Bindewald et al.
Serial No. : 10/672,288
Filed : September 26, 2003
Page : 8 of 11

Attorney's Docket No.: 13913-053001 / 2002P10179
US

Amendments to the Drawings:

The attached replacement sheets replace the original sheets.

Attachments following last page of this Amendment:

Replacement Sheet (2 pages)
Annotated Sheet Showing Change(s) (2 pages)

REMARKS

Claims 1-20 are pending as of the action mailed on 14 March 2007.

Claims 1, 7 and 14 are being amended; no claims have been canceled or newly added. Support for the amendments to claims 1, 7 and 14 may be found within the applicant's specification at least at page 3, lines 18-19 and page 6, lines 3-16.

Reexamination and reconsideration of the action are requested in light of the forgoing amendments and the following remarks.

Drawings

The examiner noted that Figures 1 and 2 should be designated as Prior Art. In order to expedite prosecution, and without prejudice, replacement sheets for Figures 1 and 2 are attached as noted above.

Section 101 Rejections

The examiner has rejected claims 7-20 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. To expedite prosecution, and without prejudice, claim 7 has been amended to overcome the rejection. Claims 8-13 depend from claim 7.

Regarding the rejection of claims 14-20 under 35 U.S.C. § 101, the applicant respectfully submits that this rejection is improper. Specifically, "where means plus function language is used to define the characteristics of a machine or manufacture invention, such language must be interpreted to read on only the structures or materials disclosed in the specification and 'equivalents thereof' that correspond to the recited function. Two *en banc* decisions of the Federal Circuit have made clear that the USPTO is to interpret means plus function language according to 35 U.S.C. § 112, sixth paragraph." MPEP § 2106 page 2100-7 (Rev. 5, Aug. 2006).

Withdrawal of the rejections under 35 U.S.C. § 101 is therefore respectfully requested.

Section 112 Rejections

The examiner has rejected claims 1-20 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the examiner's rejection of the claims is based on the use of the term "it" within independent claims 1, 7 and 14. The applicant respectfully submits that the word "it" as used, in context, within the specification (page 6, lines 25-27) and within independent claim 1, 7 and 14, is a common and well-known idiomatic use of the word as a provisional (or anticipatory) subject where the logical subject of the verb appears after the verb.

The specification states, "to the debugger, it appears as if the remote application is running on the local site instead of the remote site", which clearly supports the limitation "making it appear to the debugging system that the [modified] remote application is running on the local site instead of the remote site." The applicant respectfully submits that interpreting the word "it" to be "the data" would not be a correct interpretation.

Claims 2-6, 8-13 and 15-20 respectively depend from claims 1, 7 and 14.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Section 103 Rejections

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,826,746 ("Evans") in view of Applicant's Admitted Prior Art ("AAPA"), in further view of SAP AG ("BC-SAPRouter," 2000), in further view of U.S. Patent 7,136,857 ("Chen").

Claims 1, 7 and 14

To expedite prosecution, and without prejudice, claims 1, 7 and 14 have been amended to better clarify where the modification of application data occurs. The applicant respectfully submits that the recited modification limitations are not found in the combination of Evans, AAPA, BC-SAPRouter and Chen.

Remaining Claims

The remaining claims depend from or correspond to independent claims 1, 7 and 14, and are allowable for at least the reasons that apply to those independent claims.

Conclusion

For the forgoing reasons, the applicant respectfully submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 06 June 2007

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ANNOTATED SHEET

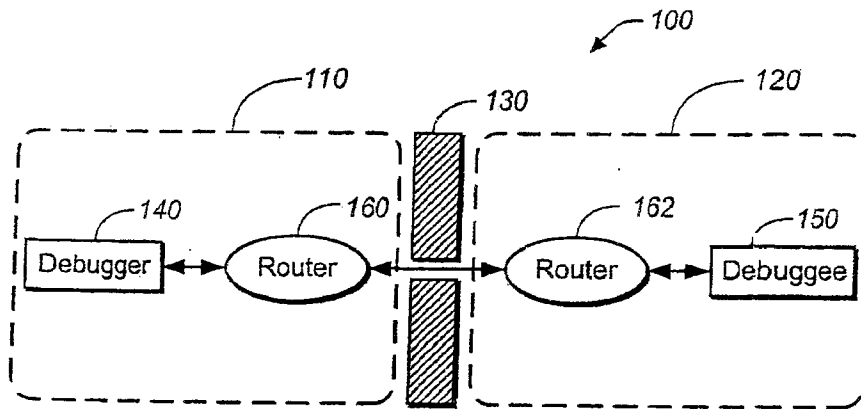


FIG. 1

PRIOR ART

ANNOTATED SHEET

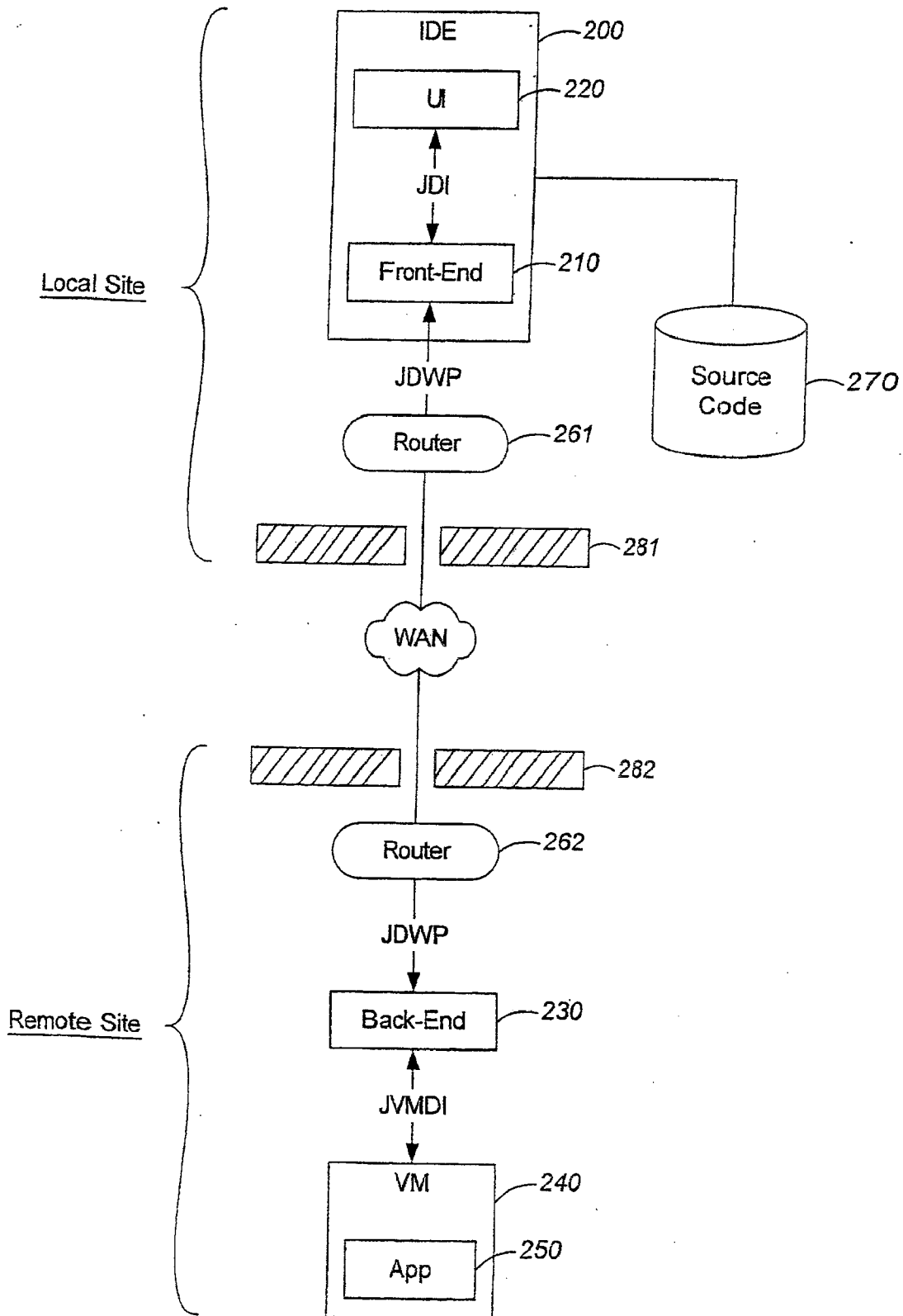


FIG._2

PRIOR ART